



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms H Grindley

**Respondent:** Coppersun Dental Care Ltd

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Cardiff **On:** 27 August 2020

**Before:** Employment Judge Ward

### Appearances

For the Claimant: Ms Kendrick (trainee solicitor)

For the Respondent: Mr Heard (counsel)

## JUDGMENT

The claimant's application to amend found at pages 55-62 of the preliminary bundle is granted.

## REASONS

1. The Tribunal considered whether an amendment was necessary, or whether the further and better particulars dated 4 June 2021 simply provided further information.
2. The Tribunal decided that the further and better particulars were seeking to amend the original claim, because facts set out in the original claim form were now being labelled as direct discrimination or discrimination arising from claims.
3. As a result, the Tribunal determined that an application to amend was necessary.
4. The power to allow amendments under Rule 29 is exercised in accordance with the overriding objective. Taking into account the tests in *Selkent Bus Co Ltd v*

Moore 1996 ICR 836 and Cocking v Sandhurst (Stationers) Ltd and anor 1974 ICR 650 the Tribunal's view was that the claims could be gleaned from the facts in the original claim form, which was prepared when the claimant was a litigant in person.

5. The nature of the amendment was a relabelling exercise. The Tribunal's view was that there was no more injustice or hardship to the Respondent. The facts relied upon were already in the original claim form. The claimant in contrast would be unable to pursue pre and post dismissal claims that were factually included in her original claim.

Employment Judge Ward

**11 October 2021**

Sent to the parties on 12 October

.....  
For the Tribunal Office: Mr N Roche